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Role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights

Report of the Secretary-General**

Summary

The present report contains information on the role and achievements of the Cambodia Office of the United Nations High Commissioner for Human Rights (OHCHR/Cambodia) from January to July 2003 in assisting the Government and people of Cambodia in the promotion and protection of human rights. It has been prepared pursuant to General Assembly resolution 57/225 of 18 December 2002.

OHCHR/Cambodia continued to work closely with the Special Representative of the Secretary-General for human rights in Cambodia in carrying out his mandate, and facilitated his eighth and ninth missions to Cambodia from 25 February to 4 March 2003 and 30 June to 8 July 2003.

To assist the Government in meeting its international human rights obligations, OHCHR/Cambodia continued to monitor the general human rights situation, investigate reports of violations of human rights and document patterns of such violations. It regularly brought its concerns to the attention of provincial and national authorities, requesting their intervention.

* A/58/150.
** In accordance with General Assembly resolution 55/222, section III, paragraph 10, this report is being submitted on 8 August 2003 so as to include as much updated information as possible.

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OHCHR/Cambodia reinforced its election programme in connection with the National Assembly elections of 27 July 2003. Activities have included the provision of technical assistance to the Government in drafting electoral laws and regulations; protection work associated with violations of human rights in the context of the elections; providing information to the Government and the international community on the political climate and relevant electoral matters; working with local non-governmental organizations (NGOs) conducting election-related human rights monitoring and responding to their protection concerns; and assisting in the preparation of public reports issued by the Special Representative, the most recent of which was a pre-election report issued in early July 2003.

In order to assist the Government in implementing the Land Law of 2001 in a manner that is consistent with Cambodia's international human rights obligations, OHCHR/Cambodia has embarked upon a study to identify the effects of large-scale agricultural plantations on the human rights of populations living within or close to their boundaries, and the extent to which they have contributed to the development and economic and social well-being of the Cambodian people as a whole. Based on the findings, the study will make recommendations to the relevant authorities and to international agencies.

OHCHR/Cambodia continued to contribute to the legislative process and efforts to advance judicial reform, by providing comments on draft laws, facilitating discussion among interested parties on legal policy issues, providing advice on legal issues with a particular focus on criminal justice process and procedure, as well as monitoring trials of concern in the court system. The Office recently initiated a dialogue with the Bar Association, concerned authorities and NGOs about legal aid, the provision of which is currently left to the Bar Association and NGOs, none of which is State-funded. The Office is in the process of collecting data in order to produce a report depicting the current situation with respect to access to legal assistance, with a view to assessing Cambodia's needs in ensuring access to justice for the poor.

OHCHR/Cambodia was active in the implementation of education and technical assistance and advisory services programmes in a number of areas.

OHCHR/Cambodia continued to cooperate with and support Cambodian NGOs in carrying out their activities to promote and protect human rights.

OHCHR/Cambodia continued to participate in a number of United Nations and donor coordinating mechanisms relevant to human rights and rule of law issues, and in activities and meetings of the United Nations Country Team.

Contents

		Paragraphs	Page
I.	Introduction	1–6	4
II.	Assistance to the Special Representative of the Secretary-General	7–9	5
III.	Role of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights	10–52	6
	A. General objectives	10–12	6
	B. Protection of human rights: monitoring, investigation and reporting	13–15	6
	C. Election programme	16–19	7
	D. The land project	20–23	8
	E. Economic, social and cultural rights	24–27	9
	F. Rule of law framework	28–35	10
	G. Human rights reporting obligations and implementation of recommendations made by treaty monitoring bodies	36–40	12
	H. Educational, technical assistance and advisory services programmes	41–47	13
	I. Cooperation and coordination with the United Nations system, donors and the diplomatic community	48–52	15
IV.	Structure of OHCHR/Cambodia and the United Nations Trust Fund for Human Rights Education in Cambodia	53–54	16

I. Introduction

1. The Cambodia Office of the United Nations High Commissioner for Human Rights (OHCHR/Cambodia) was established pursuant to resolution 1993/6 of the Commission on Human Rights which entrusted the Office to carry out the following activities:

(a) To manage the implementation of educational and technical assistance and advisory services programmes and ensure their continuation;

(b) To assist the Government of Cambodia, at its request, in meeting its obligations under the human rights instruments to which it had recently acceded, including the preparation of reports to the relevant treaty monitoring bodies;

(c) To provide support to bona fide human rights groups in Cambodia;

(d) To contribute to the creation and/or strengthening of national institutions for the promotion and protection of human rights;

(e) To continue to assist with the drafting and implementation of legislation to promote and protect human rights;

(f) To continue to assist with the training of persons responsible for the administration of justice.

2. OHCHR/Cambodia also assists the Special Representative of the Secretary-General for human rights in Cambodia in the discharge of his functions, as mandated by resolutions of the General Assembly and the Commission on Human Rights.

3. The present report contains information on the role and achievements of OHCHR/Cambodia from January to June 2003 in assisting the Government and people of Cambodia in the promotion and protection of human rights. It has been prepared pursuant to General Assembly resolution 57/225 of 18 December 2002. Information on the work of OHCHR/Cambodia from July to December 2002 is contained in the report submitted to the Commission on Human Rights at its fifty-ninth session (E/CN.4/2003/113). In resolution 2003/79, the Commission also requested the Secretary-General to report to it at its sixtieth session on the role and achievements of the Office.

4. In February 2002, the Office of the High Commissioner for Human Rights and the Government of Cambodia signed a two-year memorandum of understanding (MOU) for the implementation of a technical cooperation programme on human rights. The memorandum includes the following areas of cooperation: the provision of continuing assistance to the Government in promoting and protecting human rights; the promotion of greater integration of the human rights dimension into education, health and other development programmes; the provision of technical support for the Government's reform programmes, including in the areas of administration of justice and the legislative process; encouraging the participation of civil society and promoting public education in democracy and human rights, especially in the domains of economic, social and cultural rights; and the provision, at the Government's request, of technical assistance and advice in fulfilling its responsibilities, including submission of reports to meet its international human rights treaty obligations.

5. The Office's programme is implemented in cooperation with a number of institutions with human rights responsibilities, including the respective Commissions on Human Rights and Reception of Complaints and the Commissions on Legislation of the National Assembly and the Senate; the Supreme Council of the Magistracy; the courts; the Office of the Prosecutor General; the governmental Cambodian Human Rights Committee; the Department of Prisons; the Ministry of Justice; the Ministry of the Interior; the Ministry of Land Management, Agriculture, Forestry and Fisheries; the Ministry of Women's and Veterans' Affairs; the Ministry of Social Affairs and Labour; and the Faculty of Law and Economic Sciences of the Royal Phnom Penh University. The Office also cooperates with a large number of non-governmental organizations (NGOs) working on human rights and legal and development issues.

6. A mission conducted by an external expert to evaluate the activities carried out by OHCHR/Cambodia and formulate recommendations for future programme priorities is scheduled to be conducted in the fall of 2003. Its terms of reference focus on the Office's objectives, programmes and structures and on its role in technical cooperation during the next phase of its operation, starting in March 2004 upon the renewal of the current MOU.

II. Assistance to the Special Representative of the Secretary-General

7. During the reporting period, OHCHR/Cambodia regularly provided the Special Representative of the Secretary-General for human rights in Cambodia with information on issues of concern, in particular in the areas of judicial reform; the National Assembly elections of July 2003; restrictions on the freedoms of expression, association and assembly; access to information; the excessive use of force by police; land and forestry issues; prison conditions and prison reform; police-court relations; legal aid; and a range of criminal justice issues.

8. OHCHR/Cambodia facilitated the Special Representative's eighth and ninth missions to Cambodia in accordance with his mandate (a) to maintain contact with the Government and people of Cambodia; (b) to guide and coordinate the United Nations human rights presence in Cambodia; and (c) to assist the Government in the promotion and protection of human rights. The findings of these missions, undertaken from 25 February to 4 March 2003 and from 30 June to 8 July 2003, are summarized in the report of the Special Representative to the General Assembly (A/58/317). During his missions, the Special Representative gave continued attention to the upcoming election and to legal and judicial reform, and took up the issue of land concessions granted for agricultural use and their impact on the human rights of local populations. The Office prepared comprehensive briefing papers for the Special Representative to facilitate his visits and assisted him in the preparation of his reports to the General Assembly and the Commission on Human Rights.

9. During his eighth mission, the Special Representative was provided updates on the human rights situation in advance of presenting his report to the fifty-ninth session of the Commission on Human Rights (E/CN.4/2003/114), which he discussed with the authorities. He conducted his ninth mission in order to prepare his report to the General Assembly. At the end of his mission, he issued the first of two reports relating to the National Assembly elections.

III. Role of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights

A. General objectives

10. In assisting the Government and people of Cambodia in the promotion and protection of human rights, OHCHR/Cambodia aims to contribute to the long-term goal of a Cambodian society based on respect for human rights under the rule of law, and the presence of a strong civil society that is able to operate in accordance with the provisions of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. The strategy combines a dual approach: working on immediate issues while pursuing the longer-term goal of helping to establish and strengthen institutions to safeguard and ensure respect for human rights in the future.

11. Many challenges remain in the effort to advance respect for human rights under the rule of law. An independent judiciary has yet to be established and there are inadequate checks on the abuse of executive power, owing to the lack of transparency of executive actions and inadequately developed accountability mechanisms. Impunity and corruption corrode reform efforts.

12. The Office continued to cooperate closely with Cambodian NGOs and other civil society groups to promote policies and practices consonant with Cambodia's international human rights obligations, and to assist in their efforts to secure redress for victims of violations and on broader legal and policy issues with human rights implications. Staff participated in the regular meetings of the Cambodia Human Rights Action Committee, a coalition of 18 NGOs that meets regularly and coordinates work on human rights issues, and in the monthly meeting of the Working Group on Environment of the NGO Forum on Cambodia.

B. Protection of human rights: monitoring, investigation and reporting

13. OHCHR/Cambodia continued to monitor the human rights situation throughout the country, investigated reports involving serious abuses of human rights, and documented patterns of such violations. It regularly brought its concerns to the attention of provincial and national government authorities and proposed means of redress. The Office also remained in regular communication with members of the National Assembly, the judiciary, NGOs and the international community about these issues.

14. During the reporting period, the Office gave particular attention to investigating events relating to the large-scale rioting that occurred in Phnom Penh on 29 January 2003; four murders in Phnom Penh of senior political, religious and judicial figures; the arrest and detention of opposition activists; and reports of serious human rights violations, including murders or deaths suspected to be politically motivated. In the days immediately following the January riots, staff gathered information relating to injuries, arrests, investigations and the closure of an

independent radio station. Staff followed the progress of cases involving those charged with offences relating to the riots and brought before Phnom Penh Municipal Court. The Office also monitored the aftermath of the murders of senior monk Sam Bunthoeun on 6 February, Om Radsady, adviser to the United National Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC) on 18 February 2003, Appeals Court clerk Chhim Dara on 10 April 2003 and municipal judge Sok Sethamony on 23 April 2003. Staff undertook field investigations, court liaison, prison visits and meetings with government and law enforcement officials.

15. OHCHR/Cambodia continued to receive complaints from the public about alleged human rights violations. It acted, in particular, on cases of violence and intimidation of political activists, land disputes and land grabbing, torture and cruel, inhuman or degrading treatment in places of detention and serious breaches of criminal process guarantees. The Office followed up on previous work on street retribution (mob killings) and prison conditions, continued to investigate unresolved cases and assisted human rights NGOs in carrying out their work effectively. It also assisted national human rights defenders facing threats to their safety.

C. Election programme

16. In March 2003, OHCHR/Cambodia established a programme relating to the National Assembly elections held on 27 July 2003, in order to address the significant obstacles that remain in establishing a level playing field for all political parties, a transparent electoral process administered by neutral State institutions and a political climate free from violence and intimidation. The Office provided advice on draft electoral laws and regulations to assist in the development of a legal framework consistent with international standards. It also established three mobile teams to investigate reports of election-related human rights violations throughout the country and to monitor the general political situation. An election analyst and an international human rights monitor started work in June, the latter to work in the provincial office in Kampong Cham.

17. The Office repeatedly raised with relevant authorities restrictions on freedom of expression and assembly as matters of particular concern in the months leading up to the elections. There is a persistent perception among many State actors and institutions that criticism of the Government may amount to criminal incitement and that political party information cannot be disseminated outside the official campaign period. In January, the Office addressed a number of cases involving the brief but unlawful arrest and detention of opposition activists, purportedly for campaigning during the voter registration period, and brought these to the attention of local authorities. The Office requested the National Election Committee (NEC) to ensure that orders were immediately issued to authorities at all levels making it clear that party activists may not be arrested or detained for conducting legitimate political activity. The Office also repeatedly raised its concerns with the Ministry of the Interior, police and municipal authorities about restrictions placed upon freedom of assembly, and about the excessive force used to disperse unauthorized demonstrations.

18. OHCHR/Cambodia staff participated in the monthly meetings of NEC and the diplomatic and donor communities, briefing participants on human rights concerns

relating to the elections and making available information about serious violations. Staff met on a regular basis with representatives of NEC to raise specific cases and other issues of concern, especially about the prosecution of complaints of intimidation and violence. The Office also drew to the attention of NEC its concerns about some aspects of the draft regulations and procedures for the conduct of the election, which had the potential to restrict the rights to freedom of expression, assembly and participation in public affairs. In April, NEC amended the draft regulations, taking into account the Office's suggestions and making clear the rights of Cambodian citizens to conduct legitimate political activity at all times.

19. OHCHR/Cambodia continued to monitor law enforcement efforts and court proceedings in connection with several murders, suspected to have been politically motivated, and suspicious deaths, in addition to other forms of violence and intimidation against political party activists. It continued to develop a database to record reported human rights violations relating to the election and to share information with relevant actors. Staff held meetings with representatives of all major political parties and provided briefings for diplomats, the donor community and international organizations. The Office continued its coordination efforts with local election and human rights NGOs, hosting regular meetings to discuss issues of common concern. This cooperation extended to the provinces, with staff supporting NGOs in monitoring and investigation.

D. The land project

20. Land continues to be a major source of conflict and human rights violations in Cambodia, a country where over 80 per cent of the population resides in rural areas and is dependent upon agriculture for its livelihood, and where landlessness is becoming an increasing problem. In the light of the complexity of the legal, administrative and social dimensions of land-related issues, the Office decided to focus initially on the impact of the granting of land concessions for agricultural purposes. This was subsequently broadened to include large-scale agricultural plantations. The Office collected information, reviewed documentation and conducted field work at several large-scale agricultural plantations[1] in order to assess their effects on the human rights of the local populations. Staff also collected data on compliance by the relevant concessionaires with the Land Law of 2001 and the terms of the contracts. The study is expected to be completed in October 2003. The Office has raised some of its findings with the Ministry of Land Management, Agriculture, Forestry and Fisheries and recommended the cancellation of the contracts of concessionaires that are violating the law or are in serious breach of the terms of the contracts.

21. Staff also investigated and documented land disputes in Kos Kralor district in Battambang province. Detailed study of these specific cases is intended to help document and raise recurring problems both in the administration of land and with the mechanisms for dealing with land disputes and related violations of human rights. At present, neither the structure of the Cadastral Commission, established in July 2002, nor the courts function effectively to resolve disputes involving land or to provide remedies for related human rights violations. Further, the Land Law delegates considerable legislative power to the executive branch of government, which operates without the appropriate level of transparency or accountability. The Office has advocated for greater access to information relating to land concessions,

such as contracts and maps, to which the public does not have access despite their being matters of significant public interest. The difficulties in accessing this information have highlighted an urgent need to develop more transparent administrative practices and policies and to adopt freedom of information legislation that permits scrutiny of executive action and encourages greater accountability.

22. OHCHR/Cambodia continues to monitor the implementation of the Land Law, which still requires the adoption of many sub-decrees and proclamations for its provisions to be fully implemented. The Office provided comments to assist in the preparation of the Sub-Decree on Land Concessions for Social Purposes, which was adopted on 19 March 2003, and has encouraged its prompt implementation. The objective of the sub-decree is to define the criteria, procedures and mechanisms for granting social concessions for residential use and/or subsistence cultivation. The Office has provided advice to relevant ministries about the granting of such concessions. There is a concern about the location of the lands allocated for concessions, as the sub-decree does not specify the obligations of the State to establish infrastructure in the concession areas, such as schooling and access to health and employment opportunities for the populations concerned. Furthermore, there is concern about the small amount of land available for social concessions since much of the land that would be appropriate for social purposes is now controlled by large forestry or industrial agricultural concessions. The Office has advocated for, and will contribute towards, the preparation and prompt adoption of the sub-decree on land concessions for economic purposes (which is being drafted by a working group with the assistance of the Asian Development Bank) and the sub-decree on procedures for the reduction and specific exemption of land concessions that exceed 10,000 hectares. The Office has advised that no further concessions should be granted pending the adoption of the sub-decrees.

23. The Office is in regular contact with relevant local and international NGOs engaged in land and forestry issues to discuss key issues of concern, to coordinate efforts and to assist local NGOs working on forestry issues to fulfil their duties in a secure environment.

E. Economic, social and cultural rights

24. In its work aimed at advancing the enjoyment of economic, social and cultural rights, the Office has advocated for national policies based on international human rights obligations relevant to areas such as urban development, the environment, poverty reduction and management of natural resources. The Office is exploring, in particular with national and local actors, ways and means of translating international human rights norms into practical measures to ensure that human rights concerns are fully addressed in the National Poverty Reduction Strategy and the realization of the Millennium Development Goals.

25. The Office continued to work with local NGOs, particularly the NGO Committee on Monitoring Economic, Social and Cultural Rights and its member organizations. The Committee issued an alternative report in September 2002 on Cambodia's compliance with the International Covenant on Economic, Social and Cultural Rights. The report put forward a series of practical recommendations to inform national policy and practice, which will need to be addressed by national and international policy makers and practitioners in a common effort to bring about

compliance with the Covenant. The Office also sought to assist the Cambodian Human Rights Committee in finalizing Cambodia's initial report to the Committee on Economic, Social and Cultural Rights.

26. The Office continued to raise concerns relating to the relocation and situation of squatters and the urban poor in Phnom Penh. It participated in relevant workshops organized by the Urban Development Team, a network of NGOs working on housing and related issues, with the support of UN-Habitat. The Office also continued its involvement in the work of the Fisheries Action Coalition Team, a project that it is supporting financially through the NGO Forum on Cambodia, in order to promote legal knowledge, networking and advocacy among fishing communities around Lake Tonle Sap.

27. The Regional Office in the province of Battambang has developed a basic training course on economic, social and cultural rights which focuses on the right to health, education and housing, and to a basic livelihood. The Battambang office also conducted several one-day training courses for villagers and commune chiefs in several districts of the province, particularly those affected by land disputes. Training has also been provided to Battambang-based NGOs.

F. Rule of law framework

1. The judiciary and the administration of justice

28. OHCHR/Cambodia continued to monitor the judicial reform process to facilitate the incorporation of the principles and provisions of international human rights instruments and the Basic Principles on the Independence of the Judiciary into law and practice. It advocated for structural reform of key institutions, such as the Supreme Council of the Magistracy. The Office maintained a presence in the courts of Sihanoukville and the Municipal Court of Phnom Penh, and also continued its links with other courts through staff based in Phnom Penh. It continued close cooperation with the Battambang Provincial Court through its regional office, supplemented by regular visits by staff from the Phnom Penh office.

29. The Office continued to assist and monitor the courts to ensure compliance with human rights standards, especially in the light of many practices in the criminal justice system that do not appear to be sanctioned by law and are at variance with international standards. Key trials of concern, including those relating to trafficking, torture and mob killings, were followed and monitored. The Office provided advice on due process rights and trial procedures and addressed issues relating to legal representation and access to justice, seeking to facilitate contacts between accused persons and legal aid lawyers whenever serious cases were tried in courts without legal representation for the defendants. The Office also monitored police-court relations, in the light of the persistent failure by the police to carry out court orders.

30. The Office met regularly with members of the judiciary, the legislature and the Government to discuss juridical and broader policy issues relating to human rights in the administration of justice, including meetings with jurists, judges and prosecutors, the Council for Legal and Judicial Reform, officials from the Ministry of Justice and the presidents of parliamentary committees. Among the topics of discussion were the independence of the judiciary, reform issues relating to judicial bodies and the legal profession, security concerns of judges and court personnel, the

backlog of cases within the court system, sentencing and the appeals policies of prosecutors. The Office also worked in close cooperation with NGOs working on legal and judicial reform issues.

31. The Office prepared a comprehensive paper on legal and judicial reform that provided an overview of developments over the past decade for the mid-term meeting of the Consultative Group of donors in January. It reiterated concerns raised by the Special Representative in his reports to the General Assembly and the Commission on Human Rights and pointed to the Government's failure to meet the five benchmarks agreed to at the Consultative Group meeting in June 2002. A time-bound legal and judicial reform strategy was to be completed by 31 October 2002, as was the restructuring of the Supreme Council of the Magistracy and a law on the status of judges and prosecutors. Cases of corruption were to be investigated and prosecuted with immediate effect and an anti-corruption law was to be submitted to the National Assembly by 30 June 2003. While some steps have been taken towards meeting the benchmarks at the time of writing, no cases of corruption have been prosecuted in the courts, the Supreme Council of the Magistracy awaits reform, and the draft law on the status of judges and prosecutors has not been submitted to the National Assembly.

32. The Office has recently initiated a dialogue about legal aid with the Ministry of Justice, the legal aid unit of the Bar Association and concerned NGOs. The provision of legal aid is currently left to the Bar Association and NGOs, none of which is State-funded. The Office is in the process of collecting data in order to produce a report depicting the current situation with respect to legal representation before the courts and access to legal assistance more generally, with a view to assessing Cambodia's needs in ensuring access to justice for the majority of its citizens who cannot afford to pay for legal representation and advice. This could offer a basis for developing a legal aid scheme to provide basic legal services for the poor, as well as for exploring the creation of a State-assisted legal aid fund such as has been established in other countries. An informal working group has been established. Currently, this project is at a preliminary stage.

33. The Office also cooperated with the recently established Centre for Lawyer Training and Professional Improvement and the Royal School for Training Judges and Prosecutors in order to help ensure that human rights are included to an adequate extent in the curricula of these institutions, explore their broader needs and ascertain how the Office can best assist. It provided resource materials to both institutions.

2. Assistance in the legislative process: drafting and implementation of legislation to promote and protect human rights

34. The Office continued to both monitor and advise on the drafting of legislation and regulations in an effort to ensure compliance with international human rights law and to improve the technical quality of draft laws. It focused on selected draft laws that are directly relevant to its mandate and overall priorities, and provided comments during the drafting process and the parliamentary debate. Laws that have been of particular interest include those relating to domestic violence, the organization and functioning of the Supreme Council of the Magistracy, the status of judges and prosecutors, anti-corruption, the suppression of trafficking in human beings and sexual exploitation. The Office provided detailed comments on the draft

law on the status of judges and prosecutors and has offered further assistance in the completion of the draft. Staff continued to follow progress in the preparation of a penal code and the code of criminal procedure (which are being drafted with the assistance of experts from France) and a civil code and code of civil procedure (which are being drafted with the assistance of experts from Japan). The Office has noted the importance of ensuring consistency among these codes as well as with existing legislation. It has also underlined the necessity of straightforward and accessible laws.

35. The Office has continued to promote a participatory law-making process. It has emphasized both the need for consultation in the drafting process and for public scrutiny before the adoption of laws, a concern repeatedly raised by the Office and the Special Representative with the Government and the National Assembly but often overlooked. Most recently, a draft anti-corruption law was adopted by the Council of Ministers. The final draft was prepared without the benefit of broad consultations and public debate.

G. Human rights reporting obligations and implementation of recommendations made by treaty monitoring bodies

36. Cambodia is a party to the six main international human rights instruments,[2] although it has yet to accept individual communications procedures through accession to the Optional Protocols to the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women, or through optional declarations under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Government has faced delays in meeting its reporting obligations, having submitted initial reports under the International Covenant on Civil and Political Rights, the Committee on the Elimination of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child several years later. It has yet to submit initial reports under the International Covenant on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women. Since August 2001, the responsibility for drafting these reports has been entrusted to the governmental Cambodian Human Rights Committee. Currently, Committee staff members working on treaty reporting are divided into two subcommittees: one to prepare the initial report to the Committee on Economic, Social and Cultural Rights and the other the periodic report to the Committee on the Elimination of Racial Discrimination. Further, the Cambodian National Council for Children, established in 1995, has the responsibility for preparing reports on the Convention on the Rights of the Child and monitoring its implementation. The Ministry of Women's and Veterans Affairs is responsible for reporting under the Committee on the Elimination of Discrimination against Women.

37. OHCHR/Cambodia has been providing assistance in the preparation of treaty body reports to the Government since 1994 and has assisted in the preparation of all initial reports. The Office continued to assist the Cambodian National Council for Women and the Ministry of Women's and Veterans' Affairs to revise an earlier draft of its initial report under the Committee on the Elimination of Discrimination

against Women. A finalized draft report was submitted to the Council of Ministers in May 2003. The Office will continue to provide some assistance for the reports under the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, which are currently under preparation, although not at the same level as in the past.

38. OHCHR/Cambodia has also explored ways in which it might best assist the Cambodian Human Rights Committee in strengthening the capacity of its staff to prepare periodic treaty body reports. At present, the Committee has not received a budget allocation, and it does not have a comprehensive collection of resource materials on international human rights law or on domestic human rights issues. The Office will continue to provide technical advice, assistance in translating the reports into English, targeted training sessions, and relevant documentation and resource materials for the Committee.

39. OHCHR/Cambodia has continued to follow up on the concluding observations of the Committee on the Elimination of Racial Discrimination and the Human Rights Committee.

40. Cambodia's first report under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was due in November 1993 and submitted in August 2002, was considered by the Committee in April 2003. Unfortunately, no delegation from Cambodia was present during the Committee's consideration of the report. The Committee requested the Government to provide responses to the questions asked by its members orally and to the issues raised in its provisional conclusions and recommendations by 31 August 2003. The Office translated the provisional conclusions and recommendations into Khmer and forwarded them to the relevant institutions, including the Cambodian Human Rights Committee, the Director of the Department of Prisons and the co-Ministers of the Interior.

H. Educational, technical assistance and advisory services programmes

1. Financial and technical assistance to non-governmental organizations

41. OHCHR/Cambodia continued to provide training, legal and other technical advice and financial assistance to strengthen the capacity of Cambodian NGOs and other civil society organizations to carry out their activities to promote and protect human rights.

42. The Office concluded its work in relation to grants provided under the global Acting Communities Together (ACT) project (a joint project with the United Nations Development Programme) and the NGO Support Programme (funded by the United Nations Trust Fund for Human Rights Education in Cambodia). After funds were disbursed, the Office assisted with and evaluated projects conducted by grantees and has completed final reports. The grants under the ACT project relate to education and capacity-building activities on issues such as the rights of the child, the rights of indigenous people, human rights and democracy, elections, minority rights and participation in public life and local government. The projects were designed to further understanding of the values of human rights and democracy in remote areas and were implemented mostly by organizations operating at the

community level. With regard to grants under the NGO support programme, the funded projects have included support in the areas of legal representation for children, minority rights, education against corruption and HIV/AIDS orphans.

43. Funds that remained from contributions received from the World Bank, the United Nations Population Fund, the United Nations Children's Fund, the World Health Organization and UNDP for Human Rights Day in Battambang province were used to support four modest projects. They related to HIV/AIDS and discrimination, promoting networking and advocacy among fishing communities, children in prison, and the promotion of human rights through Khmer tradition, drama and dance.

2. University education

44. OHCHR/Cambodia has been contributing to the development of the human rights course curriculum at the Faculty of Law and Economics of the University of Phnom Penh. The Office has reviewed course materials and is revising the teaching notes in order to identify potential gaps and to make suggestions to improve their quality and appropriateness to the Cambodian context. The Office has also consulted with other institutions of higher learning and with students in order to improve teaching in human rights more generally.

3. Translation of international human rights instruments, declarations and guidelines

45. Current translations into Khmer of the major international human rights instruments and the Universal Declaration of Human Rights contain significant inaccuracies. The Office therefore helped to establish an ad hoc working group in 2002 to review the translations and produce legally accurate and accessible versions of the treaties. The working group is composed of individuals drawn from a range of institutions including the National Assembly, NGOs, the Ministries of Justice and Education, the Royal Academy of Phnom Penh, the Senate Commission on Human Rights and the Reception of Complaints, and the Cambodian Human Rights Committee. A human rights glossary (Khmer-English) is also in preparation. Revised translations are planned for publication in September 2003. The working group has also reviewed and revised international declarations translated by Office staff, including the Declaration on the Rights of Disabled Persons; the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms; and the Recommended Principles and Guidelines on Human Rights and Human Trafficking.

4. Public information and outreach

46. Human rights publications, laws and information materials continued to be distributed regularly to the general public, NGOs, students and government officials. The Special Representative's reports and statements, key reports of the Secretary-General such as that relating to the trials of senior leaders of the Khmer Rouge, as well as resolutions of the General Assembly and the Commission on Human Rights were translated into Khmer as a matter of regular practice for distribution.

47. The Agreement between the United Nations and the Cambodian Government concerning the prosecution under the Cambodian law of crimes committed during the period of Democratic Kampuchea was signed in Phnom Penh on 6 June 2003. Much remains to be done before the establishment of the Extraordinary Chambers, within which the trials will be conducted. The Office sees its functions as being primarily relating to public education and, possibly, monitoring the trials.

I. Cooperation and coordination with the United Nations system, donors and the diplomatic community

48. OHCHR/Cambodia is a member of the United Nations Country Team and works with other agencies on issues of common concern, such as with the United Nations Educational, Scientific and Cultural Organization on the right to education, with UNICEF on juvenile justice and trafficking and with UN-Habitat on the right to housing. The Office has provided to the members of the United Nations Country Team, the World Bank, the International Monetary Fund and other relevant actors information on the integration of international human rights norms and standards into poverty reduction strategies and the Millennium Development Goals in accordance with the OHCHR draft guidelines on this topic developed in 2002.

49. In 1997 the Secretary-General in his programme of reform pledged the integration of human rights into country-level analysis, planning and programme implementation. In 2002, the programme for further change highlighted the need for the country teams — including United Nations funds and programmes, the specialized agencies and the World Bank — to have "access to information, analysis and examples of how to include human rights in country programmes" (A/57/387, para. 51). In Cambodia, the Country Team has begun to work in this direction and the Office is developing activities to support the members of the Country Team in their efforts to integrate human rights into their country programmes.

50. The Office is currently contributing to the mid-term review of the United Nations Development Assistance Framework and has begun to participate in the activities of the advisory bodies on the Millennium Development Goals to assist in incorporating a human rights approach to development within the activities of the Country Team.

51. The Office cooperates with the World Bank and with donor and development agencies on a range of issues relating to judicial and legal reform, the social sector and management of natural resources within the framework of the Consultative Group of donors on Cambodia.

52. The Office provided regular briefings for visiting and resident diplomats and international organizations and prepared regular reports for OHCHR/Geneva. The Office provided reports to the United Nations Resident Coordinator and donors where required. It produces regular thematic reports and briefing papers, in addition to meeting the reporting requirements of the United Nations system.

IV. Structure of OHCHR/Cambodia and the United Nations Trust Fund for Human Rights Education in Cambodia

53. OHCHR/Cambodia implemented its activities through its main office in Phnom Penh, a regional office in Battambang, an election office in Kompong Cham and small offices in the municipal courts of Phnom Penh and Sihanoukville. The structure consists of the Chief's Office, the Administration Unit, the Legal Assistance Unit and the Education, Training and Information Unit.

54. The United Nations regular budget covers the operational expenses of OHCHR/Cambodia, including the salaries of 7 Professional international staff members and of 16 national staff members. Voluntary contributions to the United Nations Trust Fund for Human Rights Education in Cambodia cover all other expenditures. The Trust Fund is administered by the United Nations Office at Geneva.

Notes

[1] These plantations are operated by the Flour Manufacturing Company (Stung Treng province), Haining (Kompong Speu province), Pheapimex (Pursat and Kompong Chhang provinces), Mong Reththy (Sihanoukville), Agro Star (Kompong Cham) and the Chup State Rubber Plantation Company (Kompong Thom province).

[2] Cambodia ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1983. It acceded to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child in 1992, during the period of the United Nations Transitional Authority in Cambodia.